



09-15-01

3626

PATENT
Attorney Docket No.: GEH-01-062

41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McMullen et al.
Serial No.: 09/658,370
Filed: September 8, 2000
For: TOTAL TRANSPORTATION
MANAGEMENT SYSTEM

Group No.: 3626
Examiner: Kalinowski, Alexander

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 17 2004
GROUP 3600

TRANSMITTAL

- Transmitted herewith is:
 - Amendment Transmittal (3 pgs., *in duplicate*)
 - Response to Requirement for Information Under 37 CFR § 1.105 dated June 14, 2004 (2 pgs.)
 - Return post card

STATUS

- Applicant
 - ☐ claims small entity status.
 - ☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV 458033860 US
Date: September 14, 2004

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


William J. Zychlewicz, Reg. No. 51,366

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

| Extension for response within: | Other than small entity Fee | Small entity Fee (if applicable) |
|---------------------------------------|--------------------------------|-------------------------------------|
| <input type="checkbox"/> first month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> second month | \$ 420.00 | \$ 210.00 |
| <input type="checkbox"/> third month | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> fourth month | \$1,480.00 | \$ 740.00 |
| <input type="checkbox"/> fifth month | \$2,010.00 | \$1,005.00 |

Fee Due \$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____.

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA | SMALL ENTITY ADDITIONAL RATE FEE | OR | OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE |
|--------|---|-------|---|------------------------------|--|----|--|
| TOTAL | | MINUS | | = | x \$9 = \$ | | x \$18 = \$ |
| INDEP. | | MINUS | | = | x \$43 = \$ | | x \$86 = \$ |
| — | FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$145 = \$ | | + \$290 = \$ |

| | | |
|----------------------------|----|----------------------------|
| TOTAL ADDITIONAL FEE \$ | OR | TOTAL ADDITIONAL FEE \$ |
|----------------------------|----|----------------------------|

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$

FEE PAYMENT

5. Attached is a check in the sum of \$_____
- ☐ Charge Deposit Account No. 01-2384 the sum of \$_____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:



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For: TOTAL TRANSPORTATION
MANAGEMENT SYSTEM

:
: Art Unit: 3626
:
: Examiner: Kalinowski, Alexander
:
:
:

RESPONSE TO REQUIREMENT FOR INFORMATION UNDER 37 CFR § 1.105

Mail Stop: AMENDMENT
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Alexandria, VA 22313-1450

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Sir:

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In response to the requirement for information under 37 CFR § 1.105 dated June 14, 2004, Applicants respectfully submit that Applicants have made a good faith attempt to obtain the requested information by conducting a reasonable inquiry into whether the requested information was readily available to Applicants. After making this good faith attempt to obtain the requested information, Applicants submit that the information related to each of the three published documents requested is unknown and/or is not readily available to Applicants.

Specifically, with respect to the first published document (1/15/1998) titled "GE Harris Railway Electronics Wins Dispatch System for East Coast Railroad", Applicants have attached a copy hereto, however Applicants have been unable to locate any known publications, brochures, manuals, or press releases describing the system or systems included in this document.

With respect to, the second published document (1999 Annual Report), "Harris Corporation Annual Report — Joint Ventures", Applicants have attached a copy hereto, however Applicants have been unable to locate any known publications, brochures, manuals, or press releases describing the system or systems included in this document.

With respect to the third published document (not dated but no later than 8/2000) that allegedly discloses an integrated product using EP braking system and Train Talk communications control system, this document is unknown and/or is not readily available to Applicants, and Applicants have been unable to locate any known publications, brochures, manuals, or press releases describing the system or systems included in this document.

Respectfully Submitted,



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